

REMARKS

Claims 9-15 are added for examination. Therefore, claims 1-15 are the claims now pending in the Application.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and receipt of the priority document.

Applicant also thanks the Examiner for approving the formal drawings filed on April 4, 2001.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8 are rejected under 35 U.S.C. § 103, as being obvious over Tavor, et al. (U.S. Patent No. 6,070,149), in view of Bezos, et al. (U.S. Patent No. 6,029,141). This rejection is traversed.

Applicant's invention defines a new and non-obvious commercial sales system and method. For at least the following reasons, Applicant's invention as claimed in the independent claims is patentably distinguishable over the prior art. The present invention discloses the distinctive feature of transferring a sales commission via a settlement computer from the relevant-item seller to the specific-item seller when a relevant item is purchased.

Tavor discloses a virtual sales personnel method, in which using the World Wide Web, a user is guided by a virtual interactive sales representative to assist the user in purchasing from a vendor's website. Tavor does not specifically disclose or suggest a sales commission. Bezos includes a description relating to a commission. In the system of Bezos, when an entity is allowed to register as an associate for a merchant's website, the associate can set up a website to

distribute hypertextual catalog documents that include marketing information about selected products of the merchant. Regarding each product, the catalog document includes a link to the merchant's site. According to the link, if a customer (i.e., a user of the catalog document) purchases the product from the merchant's site, a commission is automatically credited to an account of the associate.

By way of contrast, in the present invention, the specific-item seller and the relevant-item seller respectively and independently sell products. That is, the relevant-item seller typically does not sell products of the specific-item seller (i.e., the specific item), and does not distribute catalog documents relating to the specific item, for the specific-item seller. Therefore, basically, the products sold by the relevant-item seller do not overlap with the products sold by the specific-item seller.

Accordingly, the present invention provides a novel system in which independent sets of products and corresponding independent sellers for the sets of products are secured, and a sales commission is automatically paid in consideration of relationships between the sets of products. That is, the sales system of the present invention completely differs from general consignment systems, and also completely differs from the sales system of Bezos.

Further, by way of example, claims 1 and 5 require viewing both a specific-item catalogue and a relevant-item catalogue on a homepage, the specific-item seller being different from the relevant-item seller, wherein the specific-item catalogue and the relevant-item catalogue each comprise information about the respective item in addition to a link.

Tavor discloses a virtual sales personnel method, in which using the World Wide Web, a user is guided by a virtual interactive sales representative to assist the user in purchasing from a

vendor's website. Tavor discloses that the user may be guided through different departments of the vendor's virtual shop by moving from a main department to a second department that sells different merchandise than the main department.

Tavor does not disclose or suggest a homepage displaying catalogues of items by two or more vendors. In particular, Tavor does not disclose or suggest viewing both a specific-item catalogue and a relevant-item catalogue on a homepage, the specific-item seller being different from the relevant-item seller. Clearly, Tavor does not disclose or suggest viewing both a specific-item catalogue and a relevant-item catalogue on a homepage, the specific-item seller being different from the relevant-item seller, wherein the specific-item catalogue and the relevant-item catalogue each comprise information about the respective item in addition to a link.

The Examiner recognizes that Tavor does not disclose a specific-item seller and a relevant-item seller. The Examiner alleges, however, that Bezos discloses these feature.

Bezos discloses an internet-based customer referral system, in which "referral links" to websites of "associate" vendors are provided. A user can select a referral link to a product and be guided to the associate vendor's page displaying information about the specific product sold by that vendor. Bezos discloses that upon a completed sale, the referring associate is credited with a sales commission for the referral. Bezos does not disclose or suggest viewing both a specific-item catalogue and a relevant-item catalogue on a homepage, the specific-item seller being different from the relevant-item seller, wherein the specific-item catalogue and the relevant-item catalogue each comprise information about the respective item in addition to a link.

No Motivation to Combine

Further there would have been no suggestion or motivation for combining Tavor and Bezos to arrive at Applicant's claimed invention. In particular, Tavor and Bezos do not provide a suggestion or motivation for allowing a user to view on one page item information of a product by a vendor and a relevant-item by another vendor. One of the problems recognized and solved by Applicant's claimed invention is the need to display on one homepage catalogue information (more than a link) for items of two or more different vendors.¹ In this way, according to one aspect of Applicant's invention, a user can view on one page item information of a product by a vendor and a relevant-item by another vendor.

Tavor, Bezos and the prior art do not identify this problem, let alone disclose the solutions provided by Applicant's claimed invention. Therefore, it is respectfully submitted that a person of ordinary skill in the art would not have been led to Applicant's claimed invention based on Tavor and Bezos.

Dependent Claims

Claims 2-4 depend from claim 1. Claims 6-8 depend from claim 5. Therefore, claims 2-4 and 6-8 incorporate all the recitations of their respective base claims and are patentably

¹ Applicant does not represent that every embodiment of Applicant's invention necessary solves this problem or necessarily provides this solution. Nor does Applicant represent that there are not other problems recognized and solutions provided by Applicant's claimed invention.

distinguishable over the prior art for at least the reasons that claims 1 and 5, respectively, are patentably distinguishable over the prior art.

In addition, claims 2 and 6 require, *inter alia*, discounting the sales commission from a sales account of the relevant-item seller to a sales account of a specific-item seller, with reference to the purchaser history data. The Examiner acknowledges that Tavor does not disclose this feature, but alleges that discounting the sales commission with reference to the purchaser history data is well-known.

The Examiner provides no support for his contention that discounting the sales commission with reference to the purchaser history data is disclosed in the prior art. Further, claims 2 and 6 require that such discounting occur from a sales account of the relevant-item seller to a sales account of a specific-item seller, with reference to the purchaser history data. Tavor, Bezos and the prior art do not disclose or suggest these feature and thus do not even remotely disclose or suggest all the features of Applicant's invention, as claimed in claims 2 and 6.

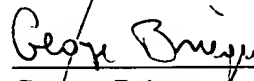
Claims 9-15 are added so as more fully to claim various patentable aspects of Applicant's invention. These claims are fully supported by Applicant's disclosure and are believed to be in form for allowance.

In view of the foregoing remarks, reconsideration and allowance of this Application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

An Excess Claim Fee Payment Letter, with fee, is enclosed herewith.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



George Brieger
Registration No. 52,652

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



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PATENT TRADEMARK OFFICE

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Currently Amended) A commercial sales method via~~using~~ a network,
comprising:

a step of registering in advance a specific-item catalogue relating to a specific item and a relevant-item catalogue for items relevant to the specific item in a home page on the WWW;

a step, performed by a purchaser, of viewing both the specific-item catalogue and the relevant-item catalogue on the home-page via thea network through~~by using~~ a purchaser terminal, and sending a purchase request to a relevant-item seller selling the items relevant to the specific item by designating one of the items relevant to the specific item so as to purchase the designated item;

a step, performed by the relevant-item seller, of delivering a product of the designated item to the purchaser according to the purchase request;

a step, performed by the relevant-item seller, of informing a settlement computer of sales data of the purchased item; and

a step, performed by the settlement computer, of transferring a sales commission from a sales account of the relevant-item seller to a sales account of a specific-item seller selling the specific item, the specific-item seller being different from the relevant-item seller,

wherein the specific-item catalogue and the relevant-item catalogue each comprise information about the item in addition to a link.

2. (Currently Amended) TheA commercial sales method as claimed in claim 1, further comprising:

a step of registering purchase history data in a database, where the purchase history data indicates the history of purchased items of the purchaser; and

a step of discounting the sales commission with reference to the purchaser history data registered in the database.

3. (Currently Amended) TheA commercial sales method as claimed in claim 2, further comprising:

a step, performed by the specific-item seller, of sending the purchaser a request for permitting disclosure of the purchase history data; and

a step, performed by the specific-item seller, of receiving permission of the disclosure of the purchase history data from the purchaser, and providing the purchase history data of the purchaser to the relevant-item seller.

4. (Currently Amended) TheA commercial sales method as claimed in any one of claims 1 to 3, further comprising:

a step, performed by the purchaser using a purchaser terminal, of sending the relevant-item seller a request for discounting the designated item on the home page; and

a step, performed by the relevant-item seller, of sending the purchaser an acceptance of the discount, and

wherein the purchaser purchases the designated item after the purchaser receives the acceptance of the discount.

5. (Currently Amended) A commercial sales system using a network, comprising:

a register section for registering in advance a specific-item catalogue relating to a specific item and a relevant-item catalogue for items relevant to the specific item in a home page on the WWW;

a specific-item seller for selling the specific item;

a relevant-item seller for selling the items relevant to the specific item, the relevant-item seller being different from the specific-item seller;

a purchaser terminal, operated by a purchaser, for viewing both the specific-item catalogue and the relevant-item catalogue on the home-page, and sending a purchase request to the relevant-item seller by designating one of the items relevant to the specific item so as to purchase the designated item, where the relevant-item seller delivers a product of the designated item to the purchaser according to the purchase request;

a settlement computer for receiving sales data of the purchased item from the relevant-item seller, and transferring a sales commission from a sales account of the relevant-item seller to a sales account of the specific-item seller; and

a network for connecting the register section, the purchaser terminal, the relevant-item seller, the settlement computer, and the specific-item seller with each other,

wherein the specific-item catalogue and the relevant-item catalogue each comprise information about the item in addition to a link.

6. (Currently Amended) TheA commercial sales system as claimed in claim 5, further comprising:

a section for registering purchase history data in a database, where the purchase history data indicates the history of purchased items of the purchaser, and

wherein the sales commission is discounted with reference to the purchaser history data registered in the database.

7. (Currently Amended) TheA commercial sales system as claimed in claim 6, wherein the specific-item seller includes:

a section for sending the purchaser a request for permitting disclosure of the purchase history data; and

a section for receiving permission of the disclosure of the purchase history data from the purchaser, and providing the purchase history data of the purchaser to the relevant-item seller.

8. (Currently Amended) TheA commercial sales system as claimed in any one of claims 5 to 7, wherein:

the purchaser terminal includes a section for sending the relevant-item seller a request for discounting the designated item on the home page;

the relevant-item seller includes a section for sending the purchaser an acceptance of the discount; and

the purchaser purchases the designated item after the purchaser receives the acceptance of the discount.

Claims 9-15 are added as new claims.